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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,695	04/19/2001	Michael Dove	BU1327	8988
7590	12/06/2007		EXAMINER	
Brake Hughes PLC C/O Intellecate P.O. Box 52050 Minneapolis, MN 55402			SAX, STEVEN PAUL	
			ART UNIT	PAPER NUMBER
			2174	
			MAIL DATE	DELIVERY MODE
			12/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09838695	4/19/01	DOVE, MICHAEL	BU1327

**EXAMINER**

Steven P. Sax

ART UNIT	PAPER
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2174                  20071130

**DATE MAILED:**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

See attachment.

This communication is in response to the Request for Oral Hearing filed with the Notice of Appeal and Request for Pre-appeal Conference of September 17, 2007.

The request for Oral Hearing is premature as appellant has not filed an appeal brief, thus there is no examiner's answer.

37 C.F.R. § 41.73(b) states in relevant part:

If an appellant or respondent desires an oral hearing, he or she must file, as a separate paper captioned "REQUEST FOR ORAL HEARING" a written request for such hearing accompanied by the fee set forth in §41.20(b)(3) **within two months after the date of the examiner's answer**. The time for requesting an oral hearing may not be extended.

It is possible that appellant by filing this request may have thought that he was filing a request to attend the pre-appeal conference. Such attendance is not permitted.

As set forth in the Official Gazette Notice of July 12, 2005 under item 5:

The applicant will not be permitted to attend the review and no interviews will be granted prior to issuance of the panel's decision.

Should appellant file an appeal brief and should he or she wish to have an oral hearing, appellant should consider filing a renewed request, to ensure that the request is considered by the Board of Patent Appeals and Interferences. If the request was filed in error, appellant may refund of the fee associated with the request.

  
/Lynne H Browne/  
Lynne H Browne  
Appeal Practice Specialist, TQAS  
Technology Center 2100